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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 EDDIE A. OTERO,

12 Petitioner,

13 v.

14 STATE OF WASHINGTON,

15 Respondent.

Case No. C08-5666RJB

ORDER FOR SERVICE AND
RETURN, § 2254 PETITION

16 (1) The clerk shall arrange for service by certified mail upon respondent and the Attorney
17 General for the State of Washington, copies of the petition, all documents in support thereof. All costs of
18 service shall be advanced by the United States. The Clerk shall assemble the necessary documents to
19 effect service. In addition, the Clerk shall send petitioner a copy of this Order, along with a copy of the
20 Court's General Order regarding *pro se* litigation.

21 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer
22 in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part
23 of such answer, respondent(s) should state whether petitioner has exhausted available state remedies,
24 whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under
25 Rule 9. Respondent shall not file a dispositive motion in place of an answer without first showing cause
26 as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the Court and
27 serve a copy of the answer upon petitioner.

28 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon

1 receipt of the answer the Clerk will note the matter for consideration on the fourth Friday after the answer
2 is filed, petitioner may file and serve a response not later than on the Monday immediately preceding the
3 Friday appointed for consideration of the matter, and respondent may file and serve a reply brief not later
4 than on the Thursday immediately preceding the Friday designated for consideration of the matter.

5 DATED this 28th day of November, 2008.

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7 /s/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge
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